FARAD CONTINUATION SHEET NO.
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO.758 OF 2004

Office notes, office Memoranda of Coram, appearance, Court's orders or directions and Registrar's orders.	Court's or Judge's orders.

CORAM : R.S. MOHITE,J.
DATED : 12/1/2006.

P.C.

1. Heard A.P.P.

2. This is an appeal filed by the State against the judgment and order passed by J.M.F.C. Khalapur on 1.3.2004 acquitting the accused for offences punishable under Section 16 of the Prevention of Food Adulteration Act,1954 for violation of the provisions of the said Act. The food in question was chilli powder as has been mentioned in the impugned judgment. The cross examination of the complainant indicated that he could not tell when the office has purchased the

plastic bag in which the sample was taken. He could not tell whether the same were cleaned in the office. In the circumstances, court has held that sample was not taken in clean, dry and empty plastic bag which was fatal to the prosecution. There is also violation of Rules 17 and 18 of the said Act and there was no material to show that there was no specimen signature on the seal and on the sample which was sent to Public Analyst for analysis. Not a fit case to interfere. Hence, leave refused. Consequently, the appeal stands dismissed.

(R. S. MOHITE, J.)